

AN ORAL HISTORY

with

DON JELINEK

This is an interview for the Mississippi Oral History Program of The University of Southern Mississippi, North Mississippi Oral History and Archives Program. The interview is with Don Jelinek and is taking place on November 11, 2004 in Berkley, CA. The interviewer is Rachel Reinhard.

Reinhard: I'm interviewing Don Jelinek in Berkeley, California, on November 11, 2004.

Jelinek: OK. My name is Don Jelinek. My work address is (the address of the interviewee has not been included in the transcript in order to protect his identity).

Reinhard: And can you share your date of birth?

Jelinek: Sure. And I was born February 17, 1934.

Reinhard: Great. And so to start off, can you tell us something about your childhood, where you grew up? And we especially appreciate anecdotes.

Jelinek: I grew up in the Bronx, New York, of immigrant parents, one from Russia, one from Czechoslovakia, and lived in huge apartment buildings, thousands on the street. I had no, not only no black friends; there weren't any black people. Grammar school, high school, no black people. College, a scattering. Law school, a scattering.

Reinhard: And were you still on the East Coast for all this time?

Jelinek: I was on the East Coast until I went South.

Reinhard: OK.

Jelinek: And I, at the time of law school, I moved to Greenwich Village, which was also where the law school was. And within a tenement got my rent paid by being the janitor for the building. And the building was composed of Ukrainians who were dying out, who represented the whole area, and young people who were moving in, which was to become the East Village at a certain point.

Reinhard: And this is the [19]50s?

Jelinek: In the, right, in [19]55. And in the building, of the young people, they were all black. And I had never, as I said, I had never contact with black people. And now these became my friends because I'm rather helpless in terms of cooking, decorating,

and taking care of an apartment since I'd lived with my family, who'd done everything. So these guys just helped me out, taught me what I needed to know, and they became my closest friends. Ironically, I never especially noticed that there was something unique about this new friendship with black people, especially when I was a janitor for these black people. And I sort of passed through the racial divide almost without noticing it. As a side note, later it turned out they were all gay and probably anybody but me would have noticed. But I went to parties with them. And a white woman moved into the building, and she said, "What's it like living with all gay people?" Back in those days it was "homosexual." And I was terribly offended that she should use such a terrible word about these wonderful people. And then I learned they were gay, so I had also passed through homophobia without knowing it, and came out the other end without having gone to any trouble to develop a politically correct attitude. It just flowed from it.

I was attending law school and remaining in the tenement, and during this period, the civil rights movement had begun. I was barely aware of the Montgomery bus boycott. I was aware of *Brown vs. Board of Education*. And I first started noticing during the sit-ins, and then the freedom rides. And at that point, the level of my involvement was to help boycott Woolworth's. That was the entire extent of my involvement. In 1964, one of my bosses, actually the junior boss, went to Mississippi for the Freedom Summer. And he came back and talked about his experiences, and I realized that I should have been there. And so the next summer, I signed up with (inaudible), which was the ACLU [American Civil Liberties Union] in Mississippi. And so, got on a plane and went down to Mississippi with very minor feelings about civil rights, certainly in favor of it, or certainly what you'd call allied, but without deep involvement; probably less involvement than most of the people I knew there.

Reinhard: So that leads me to one question about the tenement. How do you make sense of your openness to "other-ness?" Do you think it had something to do with how you were raised?

Jelinek: No because I wasn't raised to be accepting of anybody who wasn't white and Jewish.

Reinhard: So there was a sense of, "These are our people, and those are those people."

Jelinek: Absolutely. I have no idea. I think that when I moved down there, I knew I was moving into a different world, and that I would have to adapt to this different world. And I looked at them more as strangers because I had never, I'd been among my own, not white people, or Jewish people, but I'd been among people I know all my life, and suddenly I was among strangers. And so I was more involved with the fact that they were strangers than the race, which was barely noticed at the time. One of them died of cancer while I was there, and he asked me to be the one to stay at his bedside until he died. So I mean, I was freaked out by the friendship, even. I never

particularly, if anybody would have said to me, “Are you living integrated,” I would have been startled. I never thought of it that way.

Reinhard: And then one quick question about law school. How was *Brown*—I’m assuming that you knew of the *Brown* decision because you were in law school?

Jelinek: No, no. The newspapers.

Reinhard: OK. OK. But, so why did you pay attention to *Brown* and not the Montgomery bus boycott? (interruption)

Reinhard: So I had asked you if there was some—what made you pay attention to the *Brown* decision and not the Montgomery bus boycott?

Jelinek: Oh, it was actually very startling for me because I was twenty, and a very young twenty, very sheltered. And I frankly didn’t know that there was segregation in the schools. My schools weren’t segregated. Nobody was there who wasn’t white, but nobody was turned away. We had de facto segregation. And it startled me that it had happened. And it came as a great surprise that this was in existence in the United States, and I had never heard of it. Now in 1958, which I left out, after I finished law school, I went into the Army. And in the Army, and of course my luck, instead of going to New Jersey’s Fort Dix where all the New York Jews are supposed to go, they sent me to Columbia, South Carolina, to Fort Jackson to train with the Airborne. And lo and behold, I was deep in the segregated South, but there’s no segregation in the Army, for real. The black sergeant would just yell holy hell to these white Southerners, cursed them, punished them. They totally accepted it. This was the way it was. Then we’d go into town on the weekend, and lo and behold, I went with some black guys for no other reason than we’d gotten friendly in the unit, and they were also from the North. And we all went to the same movie theater, and they said, “They can’t go in.” And it was like, even though I knew all this theoretically, I’d never experienced it. And I said, “Well, then I’m not going in.” So I said, “Where do you have a theater that blacks can go in? Is there’s a black theater?” So we walked down there, and I couldn’t in. And we finally roamed around, trying to find some place where we could eat. We couldn’t, and ended up taking out hot dogs and the like and sitting on a park bench because we couldn’t do anything. This very much upset me because they were doing it to my friends. I later learned the sergeants never went to town because they wouldn’t put up with all that was going on. They’d rather just avoid it, have their own group on base and stay there. That was the first racial experience I ever had.

Reinhard: So then you’re on a plane going to Mississippi in the summer of 1965, and your mentor had gone, but you have no other sort of explanation for—

Jelinek: No. It was only for three weeks. That was just my summer vacation. I already had had trouble going because I was working on Wall Street, and my major boss said to me that he admires what I’m going to do, but he’d really prefer it if I

didn't. And he says, not that he's against civil rights; he's all for it, but his clients are not going to like my association with the ACLU, which has Communist leanings. And all I could think of was I wasn't going to not go. I said, "I just booked for it. I can't not go now because they're expecting me. And they turned away other people because I'm there, and I just can't break it." And he made a veiled threat that this would probably affect my rise in the firm, even though it wasn't his beliefs. And so when I left, I already knew that there was a notch against me for going. And did I go because of civil rights after the threat? No. I went because I don't like being pushed around.

Reinhard: So what did you do when you got there for the summer?

Jelinek: Well, I got there for three weeks.

Reinhard: And you went to Jackson.

Jelinek: Went to Jackson, and went to the ACLU office. And it was a very bad experience. They had their stars in the civil rights legal world, obviously, and they all seemed to choose to come that week, those three weeks, without any notice. So by the time I got there, there was no need for me, and I really wished I wasn't there.

Reinhard: And were you in the MFDP office or the COFO office?

Jelinek: No. I was in the ACLU.

Reinhard: ACLU. OK. Right.

Jelinek: And I was feeling really bad about—I felt, I really, you know, fucked up my future with the law firm. You know, I wasn't getting any—I wasn't doing anything. I was just dotting I's. And so they, they really decided that the best thing they could do is, since they couldn't throw me out, or ask me to leave, is to send me as far away as they possibly could, so I'd be out of their hair. And the traveling would take a lot of time, so they sent me to Holly Springs, which is four hours away, and an eight-hour trip. And you know, to help out there, and they had a specific case for me to handle. You know, "Help out there, and don't rush back." And that suited me, too.

I'd already met some of the civil rights workers, and I liked them immediately, SNCC workers, just an instant like. And since we got friendly, they told me about how the bad relations they had with the office, and the other civil rights offices with the legal offices, in that they wanted to represent ministers, and they wanted to work with the rank and file (inaudible) they felt about the civil rights workers. And so everything was begrudged, and not very comfortable. And as I looked around, I began to see that myself. And actually while I was there, they threw me one baby case of somebody arrested on a SNCC picket line, while somebody's beating up everybody, she moved the sign a way that brushed up against one of the whites, so she was arrested for assaulting him. So I was representing her. And see of course this was

your smallest possible civil rights case. But I had gotten very friendly with the SNCC guys. So instead of working it out in the ACLU office, I went to the SNCC office. And there I prepared all the witnesses (inaudible) because you can't win these cases. And so I got about eight of them to testify, and about twenty of them to come to court. And so we'd all start turning this into a demonstration. And so we're coming up the steps, the big steps to the Jackson Courthouse, and the policemen start gathering, a lot of cars start, lights; in front of us are a bunch of sheriffs. And so I'm walking ahead because I have the suit on. And he says, "What are you-all up to?" And I realized what was happening. I look behind me; I can see what they were thinking. And I said, "This is not a protest. I'm a lawyer, and these are my witnesses in a lawsuit." And they conferred with each other, and a lot of talking, called somebody to see what they should do. And they said, "Do you vouch for all of them?" And I said, "Yeah, every one of them." They said, "Well, all right." And as we walked up the [stairs], there was a general, "We did good. You won. You got us in." And I felt very good about myself, also, as a result. We got into the court, and quickly the witness against us testified, and I was surprised he was a pretty good lawyer. And I cross-examined him to obliteration, so he finally virtually admitted, he virtually confessed to the crime of what he was doing to them. And, but that has no effect in a southern court. And so when he's finished, I started putting my people on. And after two or three, the judge said, thinking that all twenty were going testify, he says, "Are all of them going to testify?" And I realized I had a little power here, and I said, "Absolutely. Every one of them." And nothing happened.

We didn't bring criminal charges, and they shouldn't be brought against my client. And he was less interested in that than with the amount of time this was going take, and is slightly intimidated because nobody had ever brought a huge group into the Jackson court, who aren't under charges. And he said, "All right. Charge dismissed." You got your bail somewhere else. Well, we went and got the bail. Everybody was elated. Going back to the office, and they all knew about the case. And they also knew by this time that I was bringing a whole bunch of people, and I walked in, and the stars really started talking to me. They said, "Well, how did your case go?" And I said, "Pretty good." And he said, "I assume the judge, I think it's wonderful that (inaudible) Is your client in jail?" I said, "No." He said, "Well, that's very good. And you're not in jail; that's very good. So how did it come out?" And I said, "Who gets the bail money?" And so he gave me the bail money for winning the case. And so he says, "You can't win a case in that court." And then he went into a big discussion, totally ignoring me, just what the ramifications of this was, and gave me no credit for it. And I slipped out, and then I went down to the SNCC office, where there was a celebration going on. And so this identification had started very early. So when they finally decided to get rid of me, by banishing me to Holly Springs, one of the SNCC workers said that he was, he was part of a group in—no, not him. One of the Christian protesters, part of the Christian group, church group, asked if I could drive him to a place he was going on the way. And I said, "Sure." And so I get in the car, next morning, and he said, "It's in Bogue Homa," or something like that, something like that. It's somewhere about two-thirds of the way to Holly Springs. And as he said the name, I had the vaguest recollection that my boss, who

was Bronstein, had told us that it was off limits. That on the other hand, some of these Indian-named cities, that I couldn't remember if it was that one or another one, and I also heard SNCC people talking about that they had stopped working in that city because it was so fierce. And I also assumed that a mild-mannered guy wouldn't be going to a terrible place. So I drove up there, and met all the folks, and they were all real excited when they heard that I was a lawyer. And one of them slipped, let it slip and said, "We met another lawyer up here, Bronstein." Then she stopped. Then I realized this was the place. And she said that she'd like me to, that they have a case out there in a couple days, and could I represent them? And I said, "No. It's not possible. I've got serious work to do at home, and I wouldn't be available." I don't want to get in trouble with Bronstein. And I said, "Well, all right." And they said, "You should meet the client." And so I met this wonderful, black man, first, the first poor black I had seen in the South. And he lived in a terrible shack. No outhouse; they used bushes. No electricity, no running water. The children looked like they had distended stomachs. And they were, their faces pockmarked something awful. And he said, "I hear you're a lawyer." And I said, "Yes." He didn't ask me anything. And I said, "And I'll represent you on your case." I was just overwhelmed by what I had seen. I said, I indicated the date, and that I should probably work with Holly Springs stuff. So I left, knowing that I couldn't tell Bronstein and figuring, "How bad can it be? They're not going to go after me because I am a lawyer."

And so I got to Holly Springs, and I was right, if I had stayed some time in the city. And waiting for me was Aviva Futorian, and she's sitting in the rocking chair on the SNCC porch. And I remember when I drove up the street; I remember they tell me the street, and then go to the Freedom House. And I go, "What? That's so stupid. Why don't they give me the number on the street?" They've got this huge sign in black light. And so there she is, and she looks at me, can see into the car, and she was very angry. I don't know why. And so I park the car and get out, introduce myself, and she says, "You're half a day late." And I said, "Yeah. I was doing some things." She said, "There's a reason why we want people on time. Because otherwise we don't know if you're alive, and we've been worried for half a day about you." And I said, "I'm really sorry. I had no idea." And then she forgave me. And I met all the people, and then she was—and this is in Marshall County, Holly Springs, she's in charge of the next county, which is the smallest county in the South, absolutely tiny, has no major city, mostly rural. And I met all the, all of her people now, in her county.

Reinhard: And that was Benton County?

Jelinek: That's Benton County. And she drove me to where I was going to sleep, in a sharecropper's home. And they were obviously very friendly, very warm, quite nervous about my being there. But everything was fine. They fed me. And the next day we met, and we were talking about the case. The case was very odd, not odd. Aviva put together, working with the local people, put together a newspaper, known as the *Benton County Freedom Train*, and very good job. And one of their articles had been to call the principal an Uncle Tom, black principal. He then, with the help of the white power structure, sued every member of the crew, anybody connected with the

paper, for a small fortune, and of course won a judgment. And then were about to execute their judgment, take away tractors, take away everything. And so of course ACLU is going to appeal, and will win on appeal because you can't libel public officials without all kinds of things. There's no way the case wouldn't be won. But there's just one tiny requirement, and that was that they needed some young stud like me to simply get up in court and say, "I move for a new trial," and the judge say, "Denied." Without doing that, you can't appeal. So it was critical, but obviously terribly minor. The night before, I had been invited to a church meeting, well, a meeting in the church where they were going to talk about the case. And Aviva had made a rip-roaring speech. And then they asked me to speak. And I made a rip-roaring speech, using stuff I'd learned from the SNCC people, imitating the SNCC people: "They say, 'It's all because of agitators,' and that you were all happy before, and you want to stay as happy as you were." And everybody's calling out things. And finally, after about ten minutes of that, "Oh, now I know why I'm here." And that got very well received. And I was just beaming because this was kind of like a new emotion, a great feeling I hadn't had before. And the next day I went to court, and the big joke was they should give me a good breakfast because I had to get my one line out correctly. They walk into court for this trivial, unimportant thing, and lo and behold, the judge correctly says that this is not a case brought by a law firm. See, like I have a law firm, Jelinek and Associates. Anybody can appear on behalf of the law firm. But if a case was brought under the name of Donald Jelinek, only Donald Jelinek can appear. This case was brought under Bronstein's name, and a couple other people that did not have a law firm in the South. And though nobody had ever bothered to enforce it before, now the judge said, "You don't have authority unless you have a written authorization in front of this court today." And I said, "No. I don't." And he says, "Well, I guess I'm going have to just not allow you to make your motion." That meant that there would be no appeal, and everybody would lose everything they had. So I remember I said to the judge, "Would it be satisfactory if Mr. Bronstein telephoned you and authorized it?" And he said, "Well, I have a problem distinguishing Yankee voices. And therefore it wouldn't work." And I said, "Well, thank you very much." And I go out into the hall, and they're already all blaming me with their eyes. Like I have nothing to do with this, and they're all blaming me for messing this up. But I went to the phone, and I called Bronstein, and he's upset because he hadn't thought of this. It's not that he hadn't thought of it, but nobody had ever required it, even though they had a right to. And so he gets, he's very upset. He's also thinking of the ramifications. He's going to get a plane, get a this, get a that. And it's four hours late. There's no way it's going to happen by the time they close the court. And so I'm sitting outside all by myself, and because nobody wants to sit next to me because they're all angry at me. And I'm thinking to myself, "It's time to stop thinking this is civil rights, and think of this as New York knuckle politics, the way all the courts work in New York, where everyone is doing things like this to you all the time. Think what you would do there, and don't think this is civil rights, which you know nothing about."

So I turned on my corrupt-New-York hat, and so I looked at the caption on the case which had like twenty, thirty names on it. And I go over to the group, and I say,

“Anybody, I’m going to call off the names. I want to see if everybody’s here.” I called all the names. Everybody was there. And I just started laughing. And they didn’t know why I was laughing, but they just assumed I was laughing because the problem must be over. And then Aviva starts laughing. “All right. What is it? What is it?” I says, “It’s really simple. All you have to do is fire Bronstein and hire me. And since you’re all here, there’s no problem.” And everyone cheers. And we go into the court, and the judge, you could see by the swagger, my swagger, that he knew I had figured a way out of this. And I told him what the plan was, and he said, “Well, that won’t be necessary. I think if you represent Mr. Bronstein, he’s authorized you. We’ll allow you.” So I said my one sentence, and saved the appeal. And again, I was well-regarded. And at that moment I thought about how desirable it would be to stay. But then I just brushed it away. I couldn’t possibly stay. I got to go back to the career my parents worked all their American lives to be able to afford, so I’d be the New York, professional, successful, Wall Street lawyer, marry some terrible woman, raise some terrible children, get divorced, have ulcers, heart attacks, all those things. This is my fate, my rent-controlled apartment.

And so as I’m driving away, Aviva says, “Well, you’ve been pretty good. When are you finishing your three weeks?” So I told her in about a week. She says, “Why don’t you come up here for a week and take off your suit and put on some overalls, and be a civil rights worker for a week, see what it’s really about?” And, “Well, I don’t think I can really do it because I got to get back, and now I’ve got to go back to Bogue Homa,” or whatever that is. And I have Aviva; I say, “You call Bronstein and tell him that it worked out.” I didn’t want to talk to him because I didn’t want him to, I didn’t want to get into a discussion about where I was heading. So I go there; I get there late at night. And I pull into the driveway, and immediately there are guns on both sides of me, as the civil rights workers didn’t recognize me, or they weren’t sure who I was. And I said, “It’s me. It’s me. Jelinek, the lawyer.” And they say, “Oh, oh. I’m sorry. Sorry.” And he says, “Well, there’s been some trouble,” which they had bragged that they had a lawyer. And now they expected the Klan to come by that night, and there’s threats. And the woman in charge of the group said that they were going to put me in the back house, which people don’t even know exists. And so if anything happens to them, I would still be alive, and I could go to court the next day. I think I said, “Yeah, like I could go to court the next day when they’re all dead.”

But I went into the back room, and I said—well, I’m thinking to myself, as we spoke, “I’ve heard that civil rights workers exaggerated all this; they kind of enjoy the drama of what might happen.” But that was cut short when the firing began. And I hear shots that sound like they’re coming from both sides. And then it seems to stop. And then I realize my car is out there, and “Oh, no! It’s a new car. I mean, a car they don’t know, and they’ll come to the back.” And I started hearing sounds and I see, I’m looking out the window, I see what looks like a Klan white-hooded outfit, or it’s the laundry. I was just almost hysterical. I was so terrified. And I saw a broomstick, and I grabbed the broomstick just so I’d have a weapon, and so that’s the last I remember because somehow I think I must have, for lack of oxygen or something, I

must have just sort of fainted or passed out, but somehow I just, I'm asleep. And next thing I know, a woman comes by to get me for breakfast. And I said, "Well, what happened?" She said, "Oh, they do that sometimes. They shoot up high. And then we shoot back up high, just to show them that we take them seriously. And then they leave. And that's what happened." And I said, "I need a little time to myself." And when she laughed, I realized how absolutely stimulated I was, elated. I all of a sudden had this flash that I was now Gary Cooper in *For Whom the Bell Tolls*. I was there and risking my life for the natives of a foreign land, and felt just wonderful. It was a hell of a lot better than Wall Street, that I really hated. And that moment I decided to try to stay if I could.

And then we went into town in separate cars, and the Christian guy who had brought me, church guy I should say, brought me, he's riding with me. And we see a lot of cars, a lot of police cars. And what this was all about, is that somebody in town, somebody, one of the blacks, had purchased a very minor, inexpensive item that was defective. And he wanted his money back or a discount. And I mean, it couldn't have been more than a dollar involved. But nobody on the black side had ever challenged a white merchant, so it was major from both ends, both sides. And there were all the young hoodlums, drunk already in the morning, whooping, "Nigger lover," and all kinds of chants, and lots of state troopers, lots of city police. And boy, this is really, I got myself into something good. And so I go up on the porch of a private house, where the obvious judge is sitting. The judge, it just means he was a laborer during the week [and] the judge, justice of the peace at other times. And I introduced myself and, "I'm here. I represent so-and-so, and I'd like to start the trial. Where is the courthouse?" And he says, "Unlike you Yankees, we don't have a courthouse. We're just a poor, little community. We just have this old house here. This is all we got." And I'm trying to ingratiate myself. I said, "That's nice, being outdoors. New York courtrooms are stuffy, anyhow. This is nice." And so I say, "So where should we go?" And at that point one of the deputies chimes in; he says, "Well, we sometimes have the tree, have the trials yonder, under that tree, just in case there's going to be a hanging." And at this everybody started laughing on their side. And the judge now stopped it, and he said, "Well, why don't we use the porch? How about that?" And I said, "Who is the merchant?" Points out the merchant. And again, I switch into New York mode. And I said, "Well, here's the product. It's obviously defective. Seems to me you should pay a buck less." And just kept talking to him, and he got talking back to me. And he accepted the dollar less, avoiding the trial, the confrontation, which was the smartest thing I've done since I've come into this community.

And then the merchant now says he wants—after it's over, everybody departs, and the clients depart, all their followers depart; there's me and the church guy. And he says, "Why don't you come to my store across the street, get a cold drink?" Cold pop, is what they say, for the dusty road. And he says, and the church guy says, "Yeah, yeah, yeah." This is the harmony he's been looking for. So we get into the store, and lo and behold, as soon as we get into the store, the guy starts screaming at us about why don't we stay in Watts and Harlem and take care of them. And very big commotion, and I look out the window, and I see all these thugs have now gathered

around our car. And I said, "Oh, this is stupid. This is really stupid." And so I say to him, "This is very interesting. We have to leave, but will you walk us to the car? Because I want to hear your views about Harlem and Watts. I hadn't thought of it that way." And so with him walking, like the sea parted, and we got to the driver's side. We both went in through the driver's side, and they said, "Come back and see us sometime." We drove off and came to town. The South, the civil rights movement is an amazing troubadour movement. Everybody seemed to know everything that happens. We got to town; I was a big hero in SNCC quarters, and absolutely despised in legal quarters. And they pointed out, correctly, that if anything had happened to me, it would reflect on all of them, and it would bring about all kind of problems, and said, "When are you leaving?" "Tomorrow." "OK." Yeah, but they didn't want to talk to me. They just turned their backs on me. So I went down the street to the SNCC office, where we had a big party, and they celebrated my dollar victory. And they said, "What are your plans now?" And I said, "I'm going up to spend the week with Aviva, the civil rights worker." I sent a telegram in my office. Got where it began. Just walked in.

Reinhard: And then, so then you go back to Holly Springs. And how long did you stay for?

Jelinek: Oh, about three months. I was there for one week. And then Aviva, I found out why Aviva had wanted me to come up, which is that she was leaving. It had been three years. She just kind of needed—she just had to go. And she didn't want to leave them without anybody. And so she had good feelings about me, and said that. I said, "But I haven't had"—when she told me, a week later, I said, "I haven't had any SNCC training. I don't know anything about this stuff." And she says, "Well, I already spoke to SNCC, and they're happy to have you." And I figured, "I've got to be better than nothing." You know? And so I said, "All right. But only on a week at a time because I may leave in a week." I sent a second telegram to my job: "Got a court trial. Got to stay a little longer." And then Aviva left. I sent a third telegram, and got one back saying, "Don't bother to come back." So they did that. And then everything broke loose. Of course it was the smallest county in the South. They decided to begin the Voting Rights Act there. So the federal recorder was coming to our county. At the same time, nothing to do with me, the NAACP won a school integration case in Holly Springs, or in Benton County. And again, nothing to do with me, but everybody assumed that all this was happening, both the whites and the blacks, because I was a lawyer and a civil rights worker. And that I was more powerful than anyone else. They all thought that I was responsible for all this. And it cut both ways. They set fire to, tried to set fire to my little office, Aviva's office. And there were a lot of threats, lots of threats because of school integration. (End of tape one, side one; beginning of tape one, side two) But the event passed. It was over. Much had been accomplished. And it was time for me to leave, to go back to my life. And I went back to New York, found myself virtually dysfunctional, and knew I didn't want to work, and I didn't want to leave the South, and wormed my way back into a lawyer's job in the South, which I'd been worked into SNCC, working with SNCC again, and stayed for three years.

Reinhard: And did you work on the Sunflower elections?

Jelinek: No.

Reinhard: No.

Jelinek: That was the year before.

Reinhard: Was [19]67.

Jelinek: Sixty-seven?

Reinhard: Um-hm. I mean [19]65 was the court stuff, and then the elections were finally held in '67.

Jelinek: No, no. I got my dates wrong.

Reinhard: So where were you working with SNCC, after? Just throughout the South?

Jelinek: Eventually, I was sent to Selma, Alabama, to open a legal branch, just at the time that 'Black Power' had come in. And so I was in a building, which was a funeral parlor on the ground floor, my office on the second floor, and the SNCC office on the third floor. And they say you eventually fired me, claiming I was, had gotten too close to SNCC and Black Power, and it was just costing them lots of money in contributions, and they would let me go back to Jackson, under their control, but they wouldn't let me, they wouldn't subsidize the SNCC office, my office, any longer because they also said that I was funneling money to SNCC and financing their stuff and whatnot. Totally wrong. And so once I was no longer connected, I raised money myself and created a silly-named group. Somebody gave me the idea to raise money if we had an innocuous name, so it was Southern Rural Research Project. And with that money, the SNCC operation and my operation merged, and the next two years we operated out of some office. And Stokely was there; Rap was there, and became a rather potent structure, and lasted until Dr. King was killed, and Bobby Kennedy, and just became kind of unbearable at that point. It was three years, and I left, relocated to Berkeley.

Reinhard: Wow. If you could share—could you share like three memories of that, when you, that period when you go back and take over Aviva's job in Holly Springs?

Jelinek: Yeah. The ACLU was supposed to handle the appeal and the work, and something went wrong, either went wrong on the legal end, or the Southerners were pulling something. But one way or the other, a sheriff came to—do you know the names? Henry Reeves—came to Henry Reeves' home, probably the wealthiest black man in the county. He didn't need to be very wealthy, but he had a tractor; he had

some cattle. And I was over there a great deal, primarily because he had a shower, and it was a real treat, and a telephone. That was a real treat to be able to shower and use the phone. So I was in the shower one day when his son, Sonny, comes running into the shower, and he says, "The sheriff's here! The sheriff's here!" So I quickly get dressed and come out, and lo and behold, there is the sheriff, and he is confiscating Reeves' tractor and cows. And I said, "What are you doing? This was an appeal. You can't execute on a judgment yet." And he says that the appeal wasn't filed properly, and this or that. And I argued a bit, but I had a feeling that he was either right technically, or wrong but he was going to do it anyhow. And so I said, "Well," I said, "You're going to take this stuff, but take good care of it because you'll have it back. You'll be bringing it back in a week. And we don't want any scratches or any injuries to the cows." And the people tell me that that was terribly significant that I had stood up to him in front of them. And then I called the ACLU, and they straightened out whatever it was, and a week later he brought it back. And all the credit fell on me again for stuff that I had nothing to do with, the work being done elsewhere.

Another time, I'm in Holly Springs with Rita and Bud and bunch of others. I should note Mississippi was dry at that time, and not that anybody was ever short of alcohol, but we were. And we didn't have any in the house. We were all begrudging the lack of alcohol. And suddenly the sheriff comes to the door, or the chief of police, I guess, comes to the door, and he says he has a search warrant to search the house for alcohol. And somebody comes in through the back and with a jug that he found under the house. And they arrest Bud—I don't remember if they arrested Rita—and somebody else. And so the next day we're in court, which was the life that I led at that point. I'd have like the suit; I'd have the suit ready at any time to change from my disguise as a civil rights worker into a lawyer. And the suit would be just coated with red dirt from the roads. You know? Everybody would be cleaning me off while I was getting dressed. Every part of me was just sopping with red dirt.

And then we go to the court, and the chief comes over. And he goes over to one of the witnesses, and he says, "I want to ask you what happened that night." I says, "You can't talk to my witnesses. We're getting ready for a trial." And he pulls out a piece of paper, and he says, "Are you directing your witnesses not to cooperate with an officer of the law?" And boy, I knew that this wasn't spontaneous at all. They had something planned. Then I called Bronstein, whose general attitude was, "This could only happen to you." But he says, "You're in the right, but you're going to be arrested." He says, "So understand that." So I go back. By now I'm totally committed, and the chief says, "Well?" I says, "Listen to me carefully, witnesses. You are directed not to speak to the chief under any circumstances." He says, "You're under arrest. Arrest this man." Handcuffed me, and take me off to jail. And then when the witnesses wouldn't talk to him, they arrested them also for not cooperating, and so we all ended up in jail. And then of course like all these cases, it was removed to the federal court, and we all went free because the main things that went on in Benton County—are you interested in that as opposed to Holly Springs?

Reinhard: Yeah, sure. I realize I misspoke when I said Holly Springs.

Jelinek: Well, we always said Holly Springs (inaudible) euphemism. We were in with the Voting Rights Act. It was very startling because there hadn't been one in the South yet, and testing it out here. And we also were testing it out, and so there were lots of civil rights workers from the other counties to help me to really do it, and pretend that I was doing it. Everyone was very modest; nobody ever took credit for things. They'd all say, "Oh, he's doing a good job." And they were just running the whole show. But we rented buses, and we got people to come. First it was the black women who came in their Sunday best. Under this registration you didn't have to be literate. And you could actually mark an X. It was amazing. And then with the men, it was more dangerous to do. They had to leave the cotton fields. Everybody knows you are doing it; their names would be printed in the newspaper, a lot at stake. It took weeks and weeks to get people. One day, the guy's driving this bus, the bus that takes the people to the registrar. And he drives into town, and some people know everything about everyone. And someone says, "He has a license to drive a bus." Of course they're right. And they start to go to arrest him. And I said, "Run here. This is a federal"—we were doing it in the federal post office building. That was federal; they wouldn't let us do it anywhere else. And so I said, "This is federal land. Come here." I said, so I can (inaudible) sanctuary, "Run here. Run here." So he runs behind me on the grounds of the post office. And as the sheriffs come running over, I say, "Halt! This is federal property." And they just swat me on the chest and knock me over. I was arrested. And unbeknownst to either of, any of us, they were right, but they didn't know it, because it wasn't federal land. It was a leased building. They had leased the land, so they were technically right, but they didn't know that at the time. And so they arrested him, and we got to federal court.

And there was something every day because there was such tension in these communities, this community because of the two things happening simultaneously. We had picked one black boy and one black girl to go in, and I had spoken to them, and they were the "pick of the litter." They were both sharp. He was an athlete. She was beautiful. And we—you know how that sexual thing works, whites, with a beautiful, black woman. And so we tried that, and the Klan is driving alongside, and they're whooping and hollering. I had arranged with the Justice Department to fence off the entrance to the school so that nobody, including us, could get in. And so we escorted them to the gate, and then they went in, and then I had this terrible feeling, "How is it going to turn out?"

At the end of the day, we picked them up, and they told us that they, he had been treated a little rough, bumped into a couple times, but not bad. He said it wasn't bad at all. She had no bad experiences. They treated her just, the kids treated her just terrific. And then he said, "The real problem is, we don't understand the work." You know because their education was pathetic. And so we had a lot of teachers in the midst. I organized a tutoring group that would come in. And I don't know if they were able to successfully—I taught some myself. I don't know if they were successful in teaching them, but they were successful in boosting their spirits, so they felt like

they knew things. Well, within a couple weeks, the most lovely experience—it reminds me of the song in *South Pacific*, *You Have to be Taught to Hate*—a white boy is walking out of the class holding hands with the black boy. In the South, particularly, people hold hands, men and boys, more than you ever see in the North. And they're walking just holding hands, just totally oblivious. I mean, he's a good athlete. They all like him, and they're just very happy with their two black fellow students. And all of a sudden he sees his parents, and he, just horrified, drops the hand like it was heated, and races to them, and you hear the mother berating him for walking and holding the hand of a dirty boy. And I thought that was so revealing of what the future held, that the parents couldn't get to the children. And variations of that every day. And then there would be somebody that would get into a fight with him. But most of the time it was good. The teachers were not good. They had the children sitting in the back of the bus; they put them in the back row, and they didn't always get the school books. The teachers were far worse than the students. But it had worked, and it worked peacefully. And the Voting Rights Act had worked peacefully.

Reinhard: And were the two students from movement families?

Jelinek: Well, I'm not sure that would be quite the right way to describe it. Anybody who slept one of us, who fed us, anything, were just as tainted as anyone who was very active like Henry Reeves. So I don't remember what level they were on, but anybody that volunteered to do this posed a danger to themselves, their job potential, their credit, their children in danger. I mean, they were "movement-ish." Whether they were a leader or not, I don't remember. I don't think so, actually.

Reinhard: Do you remember; earlier you were saying that the first people to go on the buses to register were women, and then it took a while for the men. What was the conversation among organizers about who was registering and why?

Jelinek: Well, everybody expected that.

Reinhard: Why?

Jelinek: The women were more likely to be working in the house for the whites. And they had less, there was less chance that they'd be fired.

Reinhard: In white homes?

Jelinek: White homes.

Reinhard: OK.

Jelinek: The blacks would be men, who were more likely working in the field and easily could be set out. Other people have said—and I've read this—that because of during slavery, the women who could be raped, but in terms of, they also worked in,

they were the house niggers. And they developed more strength than the men. And because the men were put through hell, and the women had a chance to get a sense of their own power. And which is why, by the way, if you name the famous indigenous people in the South, they're all women, Fannie Lou Hamer, everybody. They're mostly women. And the women were the leaders both locally, I mean in the, among the blacks, and among the civil rights workers.

Reinhard: But then somebody like Henry Reeves, was he the most prominent figure in the community?

Jelinek: Absolutely. That's because of status. And he was a great man, too. He was quite the exception. But they all came, eventually. And it's just that it wasn't—nobody was surprised that it would be the women who would come first.

Reinhard: Right.

Jelinek: Also, there was this, after all these years of trying to register, who knew if this wasn't a trap of some kind? Who really believed that this was actually going to be happening? Once the word was out that it was going smoothly, that nobody was getting arrested for registering, then more people come out. By the time we finished, by then the registrar would rely on me to call him when we had more people to register. But some never did, or not at that time. But we knew everyone who wanted to had registered at a certain point. And then he left, ready to come back if there were more.

Reinhard: But he was a federal registrar.

Jelinek: Federal registrar, but a Southerner.

Reinhard: Mississippian?

Jelinek: Yup.

Reinhard: That was my other question about just your sense of how law was used because it seems like this real choreography of law, and is it always this shift to get into a federal courts, or what is the play between—

Jelinek: Do you mean how we used it, or how they used it?

Reinhard: Both. It seems like this play, the way you're speaking about it.

Jelinek: Well, it was. It was like a dance. Their job was to arrest, high bail, keep people in jail as long as possible, knowing you'd be moved to the federal court. My job was to represent them in losing cases, but make sure they had a presence, and a belligerent one at that, that wasn't afraid. Then, on the other end, nobody could ever

have a trial that stood up because there were no blacks on the juries. So everything would be thrown out sooner or later.

Reinhard: Because of jury of their peers.

Jelinek: Because of the Fourteenth Amendment. Now that we were ready to enforce it, there was no way you could have a successful prosecution. So it was a balancing act to do a thing, keep people safe while they're in jail, in custody, keep their morale up while getting ready for the transfer to the federal courts.

Reinhard: And so there's this—this is sort of a personal question, but so on a local level, is it generally perceived that the courts are enforcing local custom? And then it moved, like, aren't they enforcing law?

Jelinek: The court system's totally racist.

Reinhard: No. I understand that. But it seems like legality seems this very undulating—

Jelinek: It was no legality. I mean if we, in Jackson there was a federal judge that he was the worst of the bunch. He referred to blacks as chimpanzees in his courtroom.

Reinhard: That's Cox.

Jelinek: That's Cox. I would come there with a removal petition, and he would stand at the desk. As I'd hand it in, he'd write, "denied," without even opening it up. He was the worst. But with others, we knew they were reasonable. All these people in the Fifth Circuit, that was guaranteed. How come that circuit ended up so great? Because Eisenhower was a Republican, and in those days there were no Republican Senators in the South. So when Eisenhower would nominate a judge, there was no senatorial courtesy to have to deal with. So he appointed; what he would pick are moderates, but they were actually very liberal, or they became liberal in no time at all, and excluded anybody who was racist. So while Kennedy, who was stuck with these Senators, and he ended up putting Cox in there. So with the Eisenhower appointees, we had a powerful bench in New Orleans, in, yeah, in New Orleans.

One day, I can't remember who was in jail, and they wouldn't—it was Paul Barkowich(?), who was in Greene County, and they would not set bail for him. So I called, went through the ranks, then finally got to the court of appeals, and spoke to the judge. They answer their own phones. Spoke to a justice, who I knew by this time, and told him what was going on, and that it was ridiculous, that he was charged with a small crime, they won't post bail, won't give him bail. And so he said, "What do you want me to do?" I said, "Lie." It's going take too long to get—they had no faxes in those days—to get anything physically like you did by phone. He says, "All right." So I went back to the sheriff's office and Justice Tuttle, great man, and I said, "Sheriff, I'd like to use your telephone, which I will charge to myself, because there's

a judge in New Orleans that needs to talk to you.” Surprisingly, he agrees. And I said, “Sheriff, this is Justice Tuttle.” He says—and I’m on another line; I can hear it. And after Tuttle tells him that he wants this man released or bail set or whatever, the sheriff says, “Well, your honor, how do I know that you are a judge? I don’t know you’re a federal judge. How can I tell on the telephone?” And Tuttle says, “There’s two ways for you to find out. One is you can hang up now, look up the phone number of the federal court in New Orleans, and call me back. The other is that you can ignore me, and you’ll be in jail tomorrow. Those are your two choices to find out.” He says, “Well, I’m sure you are who you are.” So actually being a New York lawyer was good experience, good training for this work. Instead of monetary corruption, we have racial corruption. And I was quite used to it, being a New York lawyer.

Reinhard: That’s, yeah, I’ve had huge questions about law, so that’s very helpful for me. My last question is just, if you, but I’m thinking you’re not, if you have any memory of early campaigns or candidates. Were there any going on when you were in Benton County?

Jelinek: No. Oh, in Alabama, in 1967, were the first major black elections, and we were running a full slate in Selma. Stokely was there, and got arrested on election eve, and there was a very big commotion. That was the only election that I was involved in.

Reinhard: OK. Those are my questions. Do you have anything you want to add to your—

Jelinek: Nothing that’ll be brief.

Reinhard: You’re welcome to say whatever.

Jelinek: Well, (inaudible) will never be the same again. It was the greatest experience of all our lives. But it also guaranteed I’d never make a lot of money. There was something about the SNCC model of not looking out for yourself but looking out for other people that guaranteed that all of the upward-bound directions that I was going, that others were going, just suddenly paled beneath the significance of what we had experienced, that we were far luckier, we were the lucky ones that had been a part of this. And at one point—I was not killed. A couple of things: one in particular, one of Dr. King’s aides said to me, “How did you feel when you thought you were going to die?” And I said, “I basically felt I could work more in these years in the South than I ever thought I could in my lifetime. And I was ahead of the game even if I died this moment. Plus being terrified.” But I mean, I was quite satisfied if that was going to be the way it played out.

I did a lot of things afterwards. I went to the Indians on Alcatraz Island. I handled the Attica cases, Attica cases in New York. A lot of wonderful things, but nothing was ever like the South. When I’m talking about that three years, I knew right then and there that it could never be replaced; it would never come again, not in my

lifetime. And I'm so grateful that I had the chance. And I really credit it to Aviva. If Aviva hadn't invited me to come up for that week, I would have gone back, and my life would have been totally different. And it was Holly Springs/Benton County that really was the core that changed my life.

Reinhard: That's great. Thank you.

(end of interview)

Interview of Don Jelinek in Berkeley, CA, 11/11/04
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